

CYNTHIA MELLEMA (State Bar No. 122798)
JOHN LELAND WILLIAMS (State Bar No. 129918)
SONNENSCHN NATH & ROSENTHAL LLP
685 Market Street, 6th Floor
San Francisco, CA 94105
Telephone: (415) 882-5000
Facsimile: (415) 543-5472

Attorneys for Defendants
ALLSTATE INSURANCE COMPANY,
ALLSTATE INDEMNITY COMPANY
AND ALLSTATE PROPERTY AND
CASUALTY COMPANY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JANET MACLAUGHLIN,

Plaintiffs,

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INDEMNITY COMPANY
and ALLSTATE PROPERTY AND
CASUALTY COMPANY,

Defendants.

No. C 04 5520 SI

FURTHER JOINT CASE
MANAGEMENT STATEMENT AND
PROPOSED AMENDED PRETRIAL
PREPARATION ORDER

Date: January 6, 2006

Time: 2:30 p.m.

Courtroom: 10

Judge: Honorable Susan Illston

Defendants, Allstate Insurance Company, Allstate Indemnity Company and Allstate Property and Casualty Company (hereafter collectively "Allstate") and plaintiff, Janet MacLaughlin, jointly submit the following Further Case Management Statement and Proposed Amended Pretrial Preparation Order and request its adoption in this case.

DESCRIPTION OF THE CASE

This is an insurance action in which plaintiff, Janet MacLaughlin, seeks damages for alleged negligence and "tortious breach of contract" against Allstate. The basic facts giving rise this action are as follows: Allstate insured MacLaughlin under homeowner's, umbrella and automobile policies sold by the Sherie Friedlander Insurance Agency. On or about April 5,

SONNENSCHIN NATH & ROSENTHAL LLP
685 MARKET STREET, 6TH FLOOR
SAN FRANCISCO, CALIFORNIA 94105
(415) 882-5000

2001, a fire damaged portions of MacLaughlin's hillside house, as well personal property located therein and a wooden trestle bridge driveway. Allstate has paid MacLaughlin all the sums it contends it is obligated to pay under its policies for MacLaughlin's fire losses, including damage to her house, her personal property, her automobiles and "other structures." MacLaughlin contends Allstate owes her additional sums either by contract or because of alleged negligence in "underinsuring" her property.

The disputed factual and legal issues have not been fully identified. At present, it appears the parties dispute the fact of and substance of alleged communications between them and plaintiff's insurance agent, as well as plaintiff's reliance on those communications. The extent and value of plaintiff's losses and damages are also disputed. It appears the parties also dispute whether Allstate is legally obligated to pay additional sums to MacLaughlin under the terms of the policies and/or Allstate's alleged negligence.

ADR/RECENT DEVELOPMENTS

The parties have participated in an Early Neutral Evaluation/Mediation session with Richard Collier. As the parties recently advised the Court by way of letter, they agree some discovery will facilitate further mediation of the case and have scheduled a follow-up session with Mr. Collier for February 22, 2006. The parties therefore requested that the Pretrial Preparation Order be amended and the Court indicated it would do so. Accordingly, a proposed Amended Pretrial Preparation Order is attached hereto and the parties request its entry by the Court.

///

///

///

///

///

///

///

///

1 Dated: December 20, 2005

SONNENSCHN NATH & ROSENTHAL LLP

2
3
4 By _____/s/ _____

5 JOHN LELAND WILLIAMS

6 Attorneys for Defendants
7 ALLSTATE INSURANCE COMPANY,
8 ALLSTATE INDEMNITY COMPANY AND
9 ALLSTATE PROPERTY AND CASUALTY
10 COMPANY

11 LAW OFFICES OF KENNETH A. COREN

12
13 By _____/s/ _____

14 KENNETH A. COREN

15 Attorneys for Plaintiff
16 JANET MacLAUGHLIN
17
18
19
20
21
22
23
24
25
26
27
28

SONNENSCHN NATH & ROSENTHAL LLP
685 MARKET STREET, 6TH FLOOR
SAN FRANCISCO, CALIFORNIA 94105
(415) 882-5000

[Proposed] AMENDED PRETRIAL PREPARATION ORDER

It is hereby **ORDERED** pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court:

Discovery shall proceed pursuant to Federal Rules of Civil Procedure and Local Rules subject to the following:

Non-expert Discovery Cutoff: (written) May 1, 2006; (depositions) June 19, 2006.

Expert Discovery Cutoff: August 4, 2006.

Dispositive Motions shall be filed by August 11, 2006.

Oppositions Due: August 25, 2006

Reply Due: September 1, 2006

Hearing Date: No later than September 15, 2006 at 9:00 a.m.

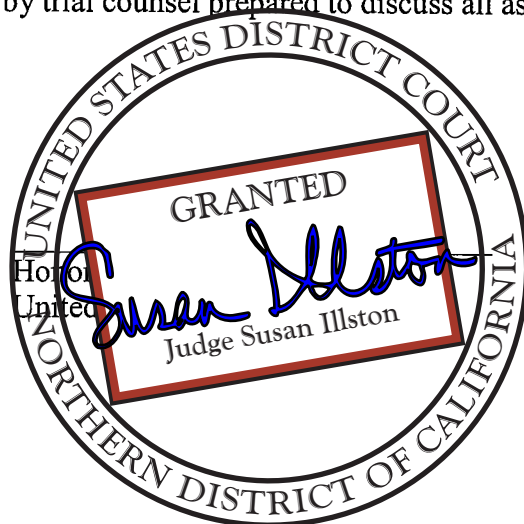
Pre-Trial Conference: October 17, 2006 at 3:30 p.m.

Jury trial date: October 30, 2006 at 8:30 a.m., Courtroom 4.

Trial length is estimated to be five days.

The pre-trial conference shall be attended by trial counsel prepared to discuss all aspects of the case, including settlement.

Dated: December __, 2005



SONNENSCHN NATH & ROSENTHAL LLP
685 MARKET STREET, 6TH FLOOR
SAN FRANCISCO, CALIFORNIA 94105
(415) 382-5000